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REMARKS

Reconsideration of the above referenced application is respectfully requested. Upon entry of the foregoing amendment, Claims 38-96 are presently pending. Claims 38, 51, 64, 84, 86, and 90 have been amended. Claims 1-37 have been cancelled. Applicants reserve the right to pursue the subject matter of the cancelled claim in one or more continuation or divisional applications. No new matter has been introduced and entry of the amendment is requested.

Claim Objections

Claims 38, 44, 51, 84, 86 and 90 stand objected to because of various informalities and/or typographical errors. The claims have been amended as set forth above to correct the obvious typographical and grammatical errors.

Claim Rejections under 35 U.S.C. §112

Claim 64 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 64 has been amended as set forth above to recite a method of producing a virion according to claim 51, by culturing a cell infected with the virion and recovering virions produced by the cell.

Applicants respectfully submit that the grounds for rejection have been obviated by the amendments submitted in this communication. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Double Patenting

Claims 38-96 are rejected on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 12-18 and 20 of U.S. No. 5,998,205.

Applicants respectfully submit that the present claims are not obvious in view of the claims of the cited patent. However, in order to further prosecution, filing of a terminal disclaimer will be considered upon an indication of otherwise allowable subject matter.

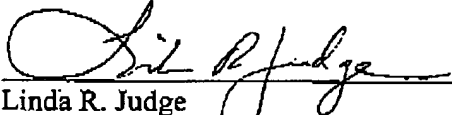
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CONCLUSION

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,
DLA PIPER US LLP

Dated: 28 September 2006


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